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EXAMINER

YOO, JASSON H

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 26-32 incorporate the limitation of, "without other identification of an associated event" and claims 33-38 incorporate the limitation of, ""with no intervening input by a user of other user inputs". However, applicant's specification discloses associated events and intervening inputs may be inputted to determine an event (paragraphs, 10, 40-42). Applicant specification fails to teach the claim limitation of "without other identification of an associated event" and ""with no intervening input by a user of other user inputs".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 and 25 incorporate the following limitations:

a. accepting from the user at least one entry representative of information related to a plurality of events of the sports contest, the at least one entry representative of information including an officiating indication, a player in possession of the primary object of play or an event,

b. interactively responding to the at least one entry of the user and communicating therewith to establish a particular event:

1. from a first set of events by deducing the particular event based on one entry or a series of entries representative of the player in possession of the primary object of play,

2. from a second set of events by deducing the particular event based on at least one entry representative of the player in possession of the primary object of play and a different event,

3. from a third set of events by interactively eliciting and responding to additional entries representative of information related to the plurality of events from the user by displaying, for selection by the user, additional choices based on the at least one entry until the particular event is determined, **and**

4. from a fourth set of events by recognizing the at least one entry as the particular event.

Limitation 1 requires that the particular event is established from a first set of events. Limitation 2 requires that the particular event is established from a second set

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of events. Limitation **3** requires that the particular event is established from a third set of events. Limitation **4** requires that the particular event is established from a fourth set of events. Thus the claims requires that **the particular event** is established from the first set of events, the second set of events, the third set of event, **and** the forth set of events. However it is not clear how the same particular event ("the particular event") can be established by the first, second, third, and forth set of events. Applicant Arguments dated 2/4/09 (page 24, lines 3-6) states that examples of the first set of event can include pass, steal or turnover. Applicant Arguments dated 2/4/09 (page 24, lines 7-15) states that examples of the second set of events can include assist, missed shot, rebound, impounding the ball, recovery of a blocked shot. Then the particular event "assist" is deduced based on a possession input prior to a different even "shot", or the particular event "rebound" is deduced based on a possession input following a different event "shot". Thus it appears that different events can be established from the first, second, third or fourth set of events, rather than one particular event ("the particular event") from the first, second, third or fourth set of events. Thus for the purpose of this examination it will interpreted that the particular event can be established from the first, second, third, or fourth set of events.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-13, 18-19, 21, 23, 25-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Descalzi (US 6,148,242).

Claim 21. Descalzi discloses a system for real-time tracking and recording events of a sports contest with a primary object of play, the sports contests including offensive and defensive competitive interaction between at least a first team and a second team in opposition therewith, each team having at least one player, comprising (real-time tracking device 10 in Fig. 1 is used to track and record a basketball event, see abstract):

at least one computer including a processor portion (26 in Fig. 1), and a user interface portion (keypad 31 and LCD 32 in Fig. 11), said computer interactively operable with a user under control of a computer program associated with said processor portion thereof,

a computerized database (stored in data storage 29 in Fig. 11) accessible through said computer program, said database including information therein indicative of recorded events of the sports contest (abstract, cols. 2:55-3:10, 7:1-7),

said computer program including a game module for controlling entry by the user of information during the sports contest, said game module operable to interpret the information regarding sports contest activities selectably entered by the user (abstract, cols. 2:55-3:10, 5:7-38, 5:63-6:10),

said computer programmed for

receiving from said user interface, one or more types of possessions input related to a plurality of events of sports contents, said possession input indicating the player in possession of the primary object of play [The term “possession input” is interpreted as inputs related to the location of a ball. Descalzi discloses user input keys to indicate the location of the ball (col. 3:52-64). For example, “possession input” such as keys to indicate field goals, rebounds, turnovers, rebound, assists, steal (cols. 3:52-64, 4:44-52), indicate a player is in possession of the ball.],

interpreting said possession input from said user interface and determining an event based on said possession input [The “possession inputs” such as keys indicate field goals, rebounds, turnovers, assists, steals is interpreted as an event (i.e. field goal input is interpreted as a field goal event, rebound input is interpreted as a rebound event)].

receiving from said user interface, one or more types of event input related to a plurality of events of the sports contest (cols. 2:55-3:10, 5:7-38, 5:63-6:10),

interpreting said event input from said user interface (cols. 2:55-3:10, 3:55-67, 5:7-38, 5:63-6:10), and

storing data representative of said events based on possessions input and said events based on event inputs in said database (col. 7:1-7).

Claims 23 and 25. Descalzi discloses a method and a system for tracking and recording event of a fast paced or timed sports contest in real-time, the sports contest including a primary object of play and offensive and defensive competitive interaction

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between at least a first team and a second team in opposition therewith, each team having at least one player (See rejection for claim 21 above. Furthermore, a live basketball game is fast paced and timed. Descalzi further discloses a game clock and recording game periods, cols. 4:41-5:38), comprising:

at least one computer user interface including a processor portion (26 in Fig. 1),, a display portion, and an information entry portion, said computer user interface interactively operable with a user interface (keypad 31 and LCD 32 in Fig. 11),,

said computer program including a game module operable for translating a series of user inputs into a series of sports contest events (col. 3:52-54),

said computer user interface operable in accordance with said game module for:

accepting from the user at least one entry representative of information related to a plurality of events of the sports contest, the at least one entry representative of information including an officiating indication, a player in possession of the primary object of play or an event (The system accepts at least one entry which includes an event, col. 3:52-54. More specifically, a user uses the touch keys to record "actions" or game events.),

interactively responding to the at least one entry of the user and communicating therewith to establish a particular event:

from a first set of events by deducing the particular event based on a series of entries representative of the player in possession of the primary object of play ["Possession input" is interpreted as inputs related to the location of a ball. Descalzi discloses user input keys to indicate the location of the ball (col. 3:52-

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64). The particular event can be deduced from a first set of events such as field goals, rebounds, turnovers, rebound, assists, steal (cols. 3:52-64, 4:44-52).],

from a second set of event by deducting the particular event based on at least one entry representative of the player in possession of the primary object of play and a different event [The particular event can be deduced from a second set of events such as field goals, rebounds, turnovers, rebound, assists, steal (cols. 3:52-64, 4:44-52) based on at least one input related to the player in possession of the ball.],

from third set of event by interactively eliciting and responding to additional entries representative of information related to the plurality of events from the user by display, for selection by the user, additional choices based on the at least one entry until the particular event is determined [The particular event can be deduced from a third set of events such as field goals, rebounds, turnovers, rebound, assists, steal (cols. 3:52-64, 4:44-52).], and

from a fourth set of events by recognizing the at least one entry as the particular event [A user uses the touch keys to record "actions" or game events from a fourth set of events (such as field goals, rebounds, turnovers, col. 3:52-54). Thus the system recognizes the entry as a particular event, cols. 3:55-64, 5:7-14).],

displaying the particular event for verification by the user (col. 5:7-14),
storing the particular event in said database (col. 7:1-7).

Claim 12. Descalzi discloses the system includes remotely accessible information regarding the sports contest and wherein said computer is programmed to obtain said remotely accessible information prior to commencement of the sports event and to store said information in said database (Descalzi discloses data may be transferred between the system and a personal computer, col. 4:9-14. More specifically, Descalzi discloses program code is downloaded into the system from the computer, col. 6:58-67).

Claim 13. Descalzi discloses the computer is programmed to send information regarding the sports contest to remote computers, (cols. 4:9-14, 6:58-67).

Claim 18. Descalzi discloses a report module operable to interact with a user through said user interface to interactively access information from said database to produce reports related to said sports contest (cols. 4:41-5:57).

Claim 19. Descalzi discloses a recording portion that stores a recording of the sports contests, said recording being time synchronized with the data stored in said database (users inputs are time synchronized with the data stored in the database because the inputs are recorded and stored as the event occur, col. 2:59-60. The recorded inputs are also displayed based on the time period, col. 5:29-37).

Claim 26. Descalzi discloses a system for real-time tracking and recording during continuous play activity of fast-paced events in a team sports contest involving movement by cooperative actions of team members of a game object for the purpose of securing a team score by advancing the game object to or through a goal object, including the automated determination and recordation of certain non-scoring events that occur during the course of the team sports contest, based upon the input by a user of identification information of team members who effect movement of the game object, without the necessity for operator input specifically identifying the occurrence of such non-scoring events (real-time tracking device 10 in Fig. 1 is used to track and record a basketball event, see abstract, cols. 2:59-60);, comprising:

a computer including a processor portion and a user interface portion (26 in Fig. 1, and keypad 31 and LCD 32 in Fig. 11),

a database (data storage 29 in Fig. 11), associated with and accessible by said computer, in which information regarding the team sports contest can be recorded, including information indicative of the game status of the team sports contest at given points in time (abstract, cols. 2:55-3:10, 7:1-7),

said computer being operable to enable and control interactive communication between said computer and a user during the course of the team sports contest and being responsive to user inputs at said user interface portion to update the information recorded in said database and the game status of the team sports contest (responsive to the touch keys, cols. 3:50-64, 5:8-15) , said user inputs including the identification of specific events (cols. 3:52-64, 4:44-52), including specific scoring events (points, col.

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4:48), as well as inputs during the course of the team sports contests providing identification of team members effecting movement of the game object without other identification of an associated event [The term associated event is interpreted as events that are related to the game object. For example: “gaming events” is related to an event to the game object and hence considered as “an associated event”. Inputs that describe the movement of the ball can be entered without the input of other gaming events (cols. 3:52-64, 4:44-52). For example, the input of a rebound (col. 3:57) may be entered and recorded as player makes a rebound, without the identifying that the player also attempted a shot (col. 3:58).],

said processor portion of said computer having a computer program associated therewith for controlling the operation of said computer, said computer program having a game module portion associated therewith including information specific for such team sports contest (the computer program comprises a game module portion in order to record “action” or game events, col. 3:55-57),

said computer operable in accordance with said game module portion to associate with certain user inputs that provide identification information of team members who effect movement of the game object, under game status conditions at such times, particular non-scoring events (user can input that provides information of team members who effect movement of the ball such as turnovers, rebounds, block steals, cols. 3:52-64, 4:44-52).

said computer programmed to

recognize during continuous play activity certain user inputs selectably made by a user at said interface portion of said computer providing identification information of team members effecting movement of the game object (recognize actions or game events of team members that effect movement of the ball, cols. 3:52-64, 4:44-52), under certain game status conditions, as being associated with the occurrence of particular non-scoring events in the team sports contest (cols. 3:52-64, 4:44-52 discloses non-scoring events such as rebounds, turnovers, steals),

establish the occurrences of such particular non-scoring events at such points in time during the course of the continuous play activity of the team sports contest (actions are recorded during a game, col. 5:8-9),

store within said database data representative of the occurrences of said establish events at such points in time during the course of the continuous play activity of the team sports contest (abstract, cols. 2:55-3:10, 7:1-7),,

whereby a user can effect, during the course of the continuous play activity of a fast-paced team sports contest, the tracking and recording of actions relative to the movement of a game object by and among the members of the teams and the possession and advancement towards a score of the game object by the teams without the necessity for separate, specific inputs by a user identifying all the separate, specific non-scoring events occurring [Inputs that describe the movement of the ball can be entered without identifying all the separate specific non-scoring events cols. 3:52-64, 4:44-52). For example, the input of a rebound (col. 3:57) may be entered and recorded

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as player makes a rebound, without the identifying that the player also attempted a shot (col. 3:58)].

Claim 27. Descalzi discloses the computer is programmed, upon user inputs providing identification information of the first and second team members during the course of the continuous play activity of the team sports contest with no intervening input by a user of other game object information associated therewith the occurrence of a movement of the game object from the first team member to the second team member [Descalzi discloses user inputs providing identification information of the first and second team members during the course of the continues play activity (first team member attempts a shot, and second team member obtains an offensive rebound, cols. 3:55-60, 4:44-5:15). No other intervening inputs other than the inputs that a first team member attempted a shot and a second team member obtains an offensive rebound are required. For example, the speed of the movement of the ball is not required.].

Claim 28. See rejection for claim 27 above. Descalzi discloses inputs of a second team member can be entered (steal, blocked shots, defensive rebound, col. 4:48-54).

Claims 29, 34, 35. Descalzi discloses the computer is programmed upon user inputs identifying the occurrence of a score, to accord the achievement of such score to

the team member whose identification information was most recently provided as a user input by the user (col. 3:55-60, 4:4:64-5:15).

Claims 30-32. See rejection for claim 26. Descalzi discloses the system is used for tracking a basketball game.

Claim 33. See rejection for claims 26-28 above.

Claim 36. Descalzi discloses the selection available to the user during continuous play include a whistle input entry, said whistle input entry constituting at least one game interruption entry (time out, Fig. 1, and col. 4:56-60, 5:6)

Claim 37. See rejection for claims 21, 23, 25-28 above.

Claim 38. Descalzi discloses the program is operable for determining the status of the sports contest at any given point in time based on previous possession [Descalzi discloses offensive and defensive events (col. 4:45-56). Offensive and defensive events are based on previous possession. For example blocked shots and defensive rebounds steals turnovers, are based on ball being previously possessed by the other team.), event and officiating inputs and determination effected in accordance with step b is effected based only upon the status and the possession input entered in step a [As discussed above, inputs that describe the movement of the ball can be entered without

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identifying all the separate specific non-scoring events cols. 3:52-64, 4:44-52). For example, the input of a rebound (col. 3:57) may be entered and recorded as player makes a rebound, without the identifying that the player also attempted a shot (col. 3:58).].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Descalzi (US 6,148,242).

Claims 3-6. Descalzi discloses the claimed invention as discussed above. Descalzi further discloses a user input device such as a keyboard is used for the real-time tracking and recording system. However, Descalzi fails to specifically teach a mouse, a touch sensitive screen, a stylus, and an audio input is used as the user interface. Nevertheless a mouse, a touch sensitive screen, a stylus, and an audio input are well known user interfaces. Such interfaces are commonly used together or interchangeably in order to facilitate a user to input data onto a computer. Therefore it would have been obvious to one of ordinary skill in the art to at the time the invention was made to incorporate different user input devices in order to improve the system for

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real-time tracking and recording of event in a sport contest as taught by Descalzi in order to provide the predictable result of facilitating the user to input data onto the system.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Descalzi (US 6,148,242) as applied to claim 21 above, and further in view of Russo (US 6,710,713).

Claim 20. Descalzi discloses a system for real-time tracking and recording events of a sports contest as discussed above. However, Descalzi fails to teach that the system further comprises a location sensing portion and said computer program further comprising a motion module, the location sensing portion operable to relay spatial position information related to the sports contest to said motion module, said motion module operable to translate said spatial position information into data related to the sports contest storable in said database. Nevertheless, the use of location sensors to track and record sporting events is well known in the art. In an analogous art to real-time tracking and recording events of a sports contest, Russo discloses a system comprising a location sensing portion (cols. 3-6, Fig. 4) and said computer program further comprising a motion module (cols. 3-6, Fig. 4), the location sensing portion operable to relay spatial position information related to the sports contest to said motion module, said motion module operable to translate said spatial position information into data related to the sports contest storable in said database (130 in Fig. 1). The sensing portion and motion module allows activities such as velocity, acceleration, and response

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time of individual sport players to be accurately measured. Such measurements may be used for evaluating the performance of an athlete (col. 1:26). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Descalzi system for real-time tracking, and incorporate Russo's location sensing and motion module, in order to provide the predictable result of measuring and evaluating the performance of an athlete.

Response to Arguments

Applicant's arguments filed 2/4/09 have been fully considered but they are not persuasive.

35 USC 112 rejections

Rejection of claims 3-6, 12-13, 18-21, 23, 25-38 under 35 USC 112 1st paragraph, as failing to comply with the written description requirement. Applicant has amended to claims to remove the term "solely". Therefore the rejection for claims 3-6, 12-13, 18-21, 23, 25 is withdrawn. Regarding claims 26-38, Applicant argues that page 12 lines 11-22, 23-26, 4-9 and Fig. 8 provide support for the claim limitation of "without other identification of an associated event" and ""with no intervening input by a user of other user inputs". However Applicant fails to point out where the specification explicitly discloses that no other identification of an associated event is inputted. Therefore the rejection is maintained.

A new rejection for claims 23, 25 have been made under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as necessitated by the amendment.

Claim rejections in view of Descalzi.

Regarding claim 21, Applicant argues that Descalzi fails to teach the claim limitation of "said position input indicating the player in possession of the primary object of play". Applicant further argues that the term "possession input" has been clearly defined throughout the specification. However, Applicant fails to point out where in the specification the term "possession input" is clearly defined. Furthermore, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. The term "possession input" is not clearly redefined in Applicant's specification. In a basket ball game, the primary object of play is a basket ball. Information such as field goals, rebounds, turnovers, rebound, assists, and steal, all contain information indication a player in possession of the ball. Thus it is reasonable to interpret the term "possession input" as input related to the location of the ball such as input keys to indicate field goals, rebounds, turnovers, rebound, assists, steal.

Regarding claims 23, 25 new grounds of rejection have been made as necessitated by the amendment.

Regarding claim 26-38, Applicant argues that the Examiner does not acknowledge the distinction between inputs providing the identification of specific events and inputs providing the identification information of team members effecting movement of the game object without other identification of an associated event. However, the examiner has considered the claim limitation with the broadest reasonable interpretation. The claim limitation recites, "providing identification of team members effecting movement of the game object without other identification of an associated event." The claim does not specify what "an associated event" is. Thus the term "an associated event" can refer to any associated event. For example, the input of a rebound may be entered and recorded as player makes a rebound, without the identifying that the player also attempted a shot.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JHY

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714